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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,558	12/21/2001	Hwan Kim	2950-0201P	3606

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EXAMINER

FLETCHER, MARLON T

ART UNIT PAPER NUMBER

2837

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,558

Applicant(s)

KIM, HWAN

Examiner

Marlon T Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are normally approved or disapproved by the draftsman at the time of allowance. However, the drawings filed on 12/21/2001 appear to be acceptable as formal drawings and will be approved by the examiner, if the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 9, 10, and 12, are rejected under 35 U.S.C. 102(a) as being anticipated by Dwek (6,248,946).

As recited in claim 9, Dwek discloses a method of displaying directory structure of a recording medium, comprising the steps of: examining a directory structure and attributes of data files recorded in a recording medium as seen figures 3A; and selecting one or more directories including at least one file of a pre-specified attribute based on the examined attribute information, and displaying the selected directories with their respective hierarchical structures as seen in figure 3A and as discussed in column 7, lines 44-50. Figure 3A provides all the information needed for displaying a directory, wherein inherently a non-selected directory can be excluded from being displayed, wherein if not selected, it is not displayed.

As recited in claim 10, Dwek discloses the method, wherein said selecting and displaying step further displays filenames of the pre-specified attribute files under the selected directories as seen in figure 3A.

As recited in claim 12, Dwek discloses the method, wherein said pre-specified attribute is MP3 music as discussed in column 7, lines 55-59.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, and 4-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Sarkissian et al. (6,396,849).

Dwek is discussed above. As recited in claim 1, Dwek discloses a method of displaying a directory structure of a recording medium, comprising the steps of examining a directory structure and attributes of data files recorded on the recording medium (Figure 3A); and generating a mark for visually differentiating directories including at least one file of a pre-specified attribute, based on the examined attribute information (column 7, lines 44-50). As seen from figure 3A, the directory can be viewed to see whether or not certain pre-specified attributes are present, wherein attributes can be assigned to a specific song or songs, or attributes can be genre or etc..

As recited in claim 2, Dwek discloses the method, wherein said pre-specified attribute is MP3 music as discussed in column 7, lines 55-59. Inherently, the MP3 files can be classified in the same manner as seen in figure 3A.

As recited in claim 4, Dwek discloses the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 3A.

Dwek does not disclose a display showing the marked filed.

However, Sarkissian et al. disclose a method of displaying a directory, wherein a display of the generated mark (section 198, Adeline) in association with the examined directory structure information is provided as seen in figure 8D and as discussed in column 18, lines 8-26.

As recited in claim 4, Sarkissian et al. disclose the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 8D.

As recited in claims 5 and 6, Sarkissian et al. disclose the method, wherein said mark for visually differentiating a directory is displayed in connection with the name of a directory, including at least one file of said pre-specified attribute or not including any file attribute as seen in figure 8D.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Sarkissian et al. with the apparatus of Dwek, because Sarkissian et al. merely provide a display showing a mark on a file, wherein it is clear that Dwek could have provided a display for the action taken of marking a file,

wherein it is apparent that the mark would have to be displayed. Sarkissian et al. are only provided to show the actual mark on the file.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Sarkissian et al. as applied to claims 1-6 and 8 above, and further in view of Moriyama et al. (6,067,282).

Dwek and Sarkissian et al. are discussed above. Neither reference provides a mark on a file, wherein the mark is a number.

However, Moriyama et al. provide a method, wherein said mark for visually differentiating a directory is information on the number of files included in a directory as seen in figures 11 and 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Moriyama et al. with the apparatus of Dwek in view of Sarkissian et al., because Moriyama provides a numerical representation related to a file in the directory for providing the user with more information for locating a file.

Response to Arguments

7. Applicant's arguments filed 02/20/2003 have been fully considered but they are not persuasive.

The applicant argues that Dwek fails to provide examining of a directory structure based on an extension of a file. However, in view of the broadly written claims, the examiner believes that all of the claim limitations are met, wherein Dwek provides a

directory, which can be marked. The fact that Dwek includes MP3 processing, inherently means that the MP3 files can be filed in the same manner as shown in figure 3A. The claims do not distinguish over the prior art.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 703-308-0848. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Marlon T. Fletcher
Primary Examiner
Art Unit 2837

MTF
May 5, 2003